

C/M D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ZIGMOND BRACH, et al.,

Plaintiffs,

- against -

BENJAMIN HERBST, et al.,

Defendants.
-----X

NOT FOR PUBLICATION

MEMORANDUM AND ORDER
00-CV-00473 (RRM) (KAM)

MAUSKOPF, United States District Judge.

By motions dated May 17 (Docket No. 182) and August 28, 2007 (Docket No. 196), plaintiff Zigmond Brach ("Brach") moved to confirm a March 1, 2007 arbitration award issued by the Beth Din (rabbinical court) against pro se defendant Benjamin Herbst ("Herbst") and in favor of Brach. By Order dated February 6, 2008 (Docket No. 207), this court directed Herbst to show cause, on or before February 22, 2008, why the arbitration award should not be confirmed pursuant to Section 9 of the Federal Arbitration Act ("FAA"), 9 U.S.C. § 9. After Herbst failed to comply with the court's February 6 Order, Brach filed a letter application dated February 26, 2008 (Docket No. 212), renewing his motion to confirm the award. The court now ORDERS as follows:

- (1) All parties, including those not involved in the Beth Din arbitration, shall appear before the court on Wednesday, May 28, 2008, at 11 a.m.
- (2) At that court appearance, Herbst shall show cause why the arbitration award should not be confirmed pursuant to Section 9 of the FAA.

- (3) In the event that Herbst fails to appear, Brach's motion to confirm the arbitration award shall be granted on default. In addition, Herbst may be subject to sanctions for failure to comply with the court's Order.
- (4) On or before Wednesday, May 7, 2008, Brach or his counsel shall cause this Order to be served on Herbst in a manner consistent with the requirements of Federal Rule of Civil Procedure 4(e).
- (5) Any and all submissions concerning the confirmation of the arbitration award shall be served on all parties and filed with the court on or before Friday, May 16, 2008.

SO ORDERED.

Dated: Brooklyn, New York
April 7, 2008

s/RRM

ROSLYNN R. MAUSKOPF
United States District Judge